



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/727,522

12/05/2003

Kazuyuki Yunoki

016891-0863

7831

22428 7590 09/17/2007

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

SAUNDERS, PAUL

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

09/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,522

Applicant(s)

YUNOKI, KAZUYUKI

Examiner

Paul Saunders

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/21/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 1, 2, 7**, objected to because of the following informalities. Appropriate correction is required.

As to **claims 1, 2, 7**, there is no antecedent basis for "with corresponding characteristic point data obtained from **the image data of person(s)**." It is suggested to amend the claim to remove the antecedence of the bolded terms.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 7**, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0078968 A1 of Needham et al. ("Needham"), in further view of U.S. Patent No. 5,410,609 A to Kado et al. ("Kado").

As to **claims 1, 2, 7**, Needham discloses a processed image data transmitting system (page 4 [0035]), a portable telephone (page 3 [0025], page 4 [0035] – computer system may be a cellular telephone), or a processed image

data transmission program for causing a computer to perform a process (page 3 [0026, 0029], page 4 [0032, 0034]), comprising:

means for preparing a still image of a subject from video image of the subject acquired by a camera 100, 300 (fig. 1, 3, page 2 [0017] – camera 100 may be a video camera providing video image of the subject in which the resulting image may be a digital photo or still image),

extracting an e-mail address stored in connection with a person whose characteristic point data are most correspondent to those of the subject (fig. 1, 3, page 2-3 [0022-0024, 0027], – email address is determined based on face identified),

and transmitting 150, 390 an e-mail to which the still image of the subject is attached to the e-mail address thus extracted (fig. 1, 3, page 3 [0024, 0027] – transmission may be automatic or involve user interaction).

Needham does not expressly disclose comparing characteristic point data extracted from the still image of the subject with corresponding characteristic point data obtained from the image data of persons 120 (page 2 [0018]).

Kado discloses comparing 4, 6 characteristic point data extracted 2 from the still image 1 of the subject with corresponding characteristic point data obtained from the image data of persons 3, 5 (fig. 1, 3, col. 2 lines 8-28, col. 3 lines 6-21, 35-51).

Needham and Kado are analogous art because they are solving the same technical problem namely face recognition.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous face recognition to further implement facial characteristic point analysis and comparison as taught above by Kado. The motivation would have been to "enhance the [face] recognition accuracy" (Kado col. 2 lines 49-51).

Therefore it would have been obvious to combine Needham and Kado to obtain the above modifications.

4. **Claims 3, 4, 8**, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0078968 A1 of Needham et al. ("Needham"), in further view of U.S. Patent No. 5,410,609 A to Kado et al. ("Kado") as applied to claim 1, 2, 7 above, and further in view of U.S. Patent No. 7,093,203 B2 to Mugura et al. ("Mugura"), and further in view of U.S. Patent No. 6,636,264 B1 to Nakao et al. ("Nakao")

As to **claims 3, 4, 8**, Needham further discloses concerning claim 1, 2, 7, further comprising:

a memory unit (page 4 [0032, 0034]);

a characteristic point extracting portion which receives the still image from the camera control portion, prepares characteristic point data from the still image, reads image data of person(s) stored in the memory unit (page 4 [0032, 0034, 0035]); and prepares corresponding characteristic point data from the image data of the person(s);

a characteristic point comparing portion which receives, from the characteristic point extracting portion, the characteristic point data

prepared from the still image of the subject as well as the characteristic point data prepared from the image data of the person(s), compares the characteristic point data of the subject with the characteristic point data of the person(s), determines a person whose characteristic point data are most highly correspondent with those of the subject, and reads dial data (page 1 [0016], page 2 [0020] – sharing is based on the face identifying information being dial data) connected with the person from the memory unit (page 4 [0032, 0034, 0035]);

a mail preparation management portion which receives the dial data (page 1 [0016], page 2 [0020] – sharing is based on the face identifying information being dial data) from the characteristic point comparing portion, fetches the still image from the camera control portion, picks up an e-mail address contained in the dial data, and attaches the still image to an e-mail to be sent to the e-mail address (fig. 1, 3, page 3 [0027]);

and a mail communication control portion 390 which receives the e-mail from the e-mail preparation management portion 340 and transmits the e-mail to the e-mail address 380 (fig. 3, page 3 [0027]).

Needham does not expressly disclose, a camera control portion which receives a camera image of a subject acquired by a camera,

- delivers output necessary for the presentation of a first display including video image representing the camera image, captures an

Art Unit: 2609

image from the video image presented on the display, holds the image as a still image,

- delivers output necessary for the presentation of a second display including the held still image,
- delivers output necessary for the presentation of a third display including a menu which allows the selection of e-mail transmission.

Mugura discloses a camera control portion which,

- delivers output necessary for the presentation of a second display including the held still image (fig. 1, 2, col. 3 lines 50-55 – picture of the houses at the top of display 44),
- delivers output necessary for the presentation of a third display including a menu which allows the selection of e-mail transmission (fig. 1, col. 3 lines 14-22 – the send button at bottom left of display 44).

Needham and Mugura are analogous art because they are from the same field of endeavor namely wireless camera phones.

At the time of the invention it would have been obvious to one of ordinary skill to modify the previous camera portion to utilize a display to display the still image for email transmission, and also to display a menu button to transmit the email as taught above by Mugura. The motivation would have been to enhance the graphical user interface (Mugura col. 1 line 41-44).

Nakao discloses a camera control portion which,

Art Unit: 2609

- delivers output necessary for the presentation of a first display including video image representing the camera image (col. 4 lines 52-28), captures an image from the video image presented on the display, holds the image as a still image (col. 5 lines 62-64).

Needham and Nakao are analogous art because they are from the same field of endeavor namely digital cameras.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the previous camera portion to utilize a display in showing a real-time preview as taught above by Nakao. The motivation would have been to provide another viewfinder means for the user to choose when operating the camera portion for image capture (Nakao col. 6 lines 27-46).

The same support is used as is used in claims 1, 2, 7.

Therefore it would have been obvious to combine Needham, Kado, Mugura and Nakao to obtain the above modifications.

5. **Claims 5, 6, 9**, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0078968 A1 of Needham et al. ("Needham"), in further view of U.S. Patent No. 5,410,609 A to Kado et al. ("Kado") as applied to claim 1, 2, 7 above, and further in view of U.S. Patent Application No. 2003/0210331 A1 of Battles et al. ("Battles"), and further in view of U.S. Patent No. 6,396,924 B1 to Suso et al. ("Suso").

As to **claims 5, 6, 9**, Needham discloses concerning claims 1, 2, 7, further comprising:

a memory unit (page 4 [0032, 0034]);

a characteristic point extracting portion which receives the still image from the camera control portion, prepares characteristic point data from the still image, reads image data of person(s) stored in the memory unit (page 4 [0032, 0034, 0035]), and prepares corresponding characteristic point data from the image data of the person(s);

a characteristic point comparing portion which receives, from the characteristic point extracting portion, the characteristic point data prepared from the still image of the subject as well as the characteristic point data prepared from the image data of the person(s) stored in the memory unit, compares the characteristic point data of the subject with the characteristic point data of the person(s) stored in the memory unit, determines a person whose characteristic point data are most highly correspondent with those of the subject, and reads dial data (page 1 [0016], page 2 [0020] – sharing is based on the face identifying information being dial data) connected with the person from the memory unit (page 4 [0032, 0034, 0035]);

a mail preparation management portion which receives the dial data (page 1 [0016], page 2 [0020] – sharing is based on the face identifying information being dial data) from the characteristic point comparing portion, fetches the still image of the subject from the camera control portion, picks up an e-mail address contained in the dial data, and

attaches the still image to an e-mail to be sent to the e-mail address (fig. 1, 3, page 3 [0027]);

and a mail communication control portion 390 which receives the e-mail from the mail preparation management portion 340 and transmits the e-mail to the address 380 (fig. 3, page 3 [0027]).

Needham does not expressly disclose,

a camera control portion which receives a camera image of a subject acquired by a camera,

- delivers output necessary for the presentation of a first display including video image representing the camera image and a photographing button, captures, from the video image, an image which a user selects by clicking the photographing button, holds the image as a still image in a memory (page 4 [0032, 0034, 0035]),
- delivers output necessary for the presentation of a second display including the still image and a menu button,
- delivers, in response to the clicking of the menu button, output necessary for the presentation of a third display including the details of the menu containing e-mail transmission, and outputs the still image, when the user clicks the e-mail transmission of the menu;

a display output portion which presents the first, second and third displays on receipt of the outputs from the camera control portion.

Battles discloses a camera control portion which,

- delivers output necessary for the presentation of a first display 201 including video image 202 (page 2 [0029]) representing the camera image and a photographing button (page 2 [0031] – the customizable user interface allows for a menu option to also trigger the camera to take a picture), captures, from the video image, an image which a user selects by clicking the photographing button, holds the image as a still image in a memory (page 4 [0040]),
 - delivers output necessary for the presentation of a second display including the still image and a menu button (fig. 3, page 2 [0029] – email menu button 304 is a part of the share menu 203 which is displayed on camera operation or other triggering event).
 - delivers, in response to the clicking of the menu button 401, output necessary for the presentation of a third display including the details of the menu containing e-mail transmission 402 ([0029, 0031, 0032, 0037]), and outputs the still image, when the user clicks the e-mail transmission of the menu (fig. 4 – the check indicating selection or clicking of e-mail transmission destination “E-mail to Mom” still shows the still image in the background);
- a display output portion which presents the first, second and third displays on receipt of the outputs from the camera control portion (fig. 4, [0029, 0032]).

Art Unit: 2609

Needham and Battles are analogous art because they are from the same field of endeavor namely wireless camera phones.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous displays to further provide the menu options and image viewing displays as described above by Battles. The motivation would have been to "[provide] an improved user interface" (Battles page 1 [0004]).

Suso discloses a camera control portion which, delivers output necessary for the presentation of a first display 4 including video image (col. 5 lines 41-59) representing the camera image and a photographing button 19f, captures, from the video image, an image which a user selects by clicking the photographing button (col. 5 lines 66-67, col. 6 lines 1-3).

Needham and Suso are analogous art because they are from the same field of endeavor namely wireless camera phones.

At the time of the invention it would have been obvious to one skilled in the art to modify the previous video capture display to further include a menu option to capture the current video image. The motivation would have been to provide multifunction with the menus of the display (Suso col. 1 lines 57, 64-67, col. 2 lines 1-19).

The same support is used as is used in claims 1, 2, 7.

Therefore it would have been obvious to combine Needham, Kado, Battles and Suso to obtain the above modifications.

Art Unit: 2609

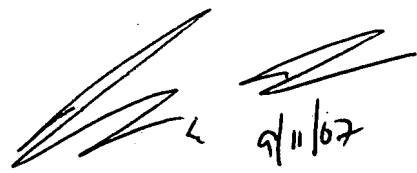
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Saunders whose telephone number is 571.270.3319. The examiner can normally be reached on Mon-Thur 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571.272.3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/


9/11/07
DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER